

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7474 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

=====

1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

VALLABHBHAI DHARAMSHIBHAI DABHI

Versus

THE SECRETARY, GOVT. OF INDIA

Appearance:

1. Special Civil Application No. 7474 of 2004
MR PH PATHAK for Petitioner No. 1
MR BIPIN MEHTA for Respondent No. 1-2
-

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 02/07/2004

ORAL JUDGEMENT

Rule. Mr.Bipin Mehta appears on advance copy and waives service of notice of rule on behalf of the respondents. At the joint request of the learned advocates for the parties, the petition is taken up for final disposal today.

2. The short question involved in the present petition is with respect to the question of referring the industrial dispute for adjudication to the Labour Court/Industrial Tribunal. The petitioner states that he had joined the service of the respondent No.2 as a Driver on 24.4.97 and his services were terminated with effect from 5.9.98 without following any procedure. After unsuccessfully approaching the CAT, Ahmedabad, which returned the papers to the petitioner on 8.11.2001 on the ground of no jurisdiction, the petitioner approached the union to raise demand for reinstatement. The conciliation proceedings initiated resulted in failure and a failure report was also submitted. It is the case of the petitioner that though the question whether to make a reference to the Industrial Tribunal for adjudication in this case is pending with respondent No.1 since 2003, the respondent No.1 has not taken any decision in this regard. In my opinion, therefore, this petition can be disposed of by directing the respondent to take a decision with respect to the question of making a reference in the present case.

3. It is accordingly directed that respondent No.1 shall take a final decision on the question whether industrial dispute is required to be referred for adjudication or not within a period of two months from the date of receipt of this order and communicate the same to the petitioner.

4. In view of the above, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)
(vjn)